

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

DAVID MACK,
Plaintiff

vs.

DIVERSIFIED CONSULTANTS, INC.,
Defendant

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CIVIL ACTION NO.
4:14-cv-00155-RAS-DDB

Jury Trial Demanded

REPORT OF RULE 26(f) PLANNING MEETING

1. Factual and Legal Description of the Case.

Plaintiff alleges that Defendant violated the Fair Debt Collection Practices Act, 15 U.S.C. § 1692c(a)(1) by communicating with Plaintiff at times or places which were known or should have been known to be inconvenient for Plaintiff. Plaintiff also alleges that Defendant violated 15 U.S.C. § 1692d by engaging in conduct the natural consequence of which is to harass, oppress, or abuse Plaintiff, in connection with the collection of an alleged debt. Plaintiff also alleges that Defendant violated 15 U.S.C. § 1692d(6) by placing telephone calls without meaningfully disclosing the caller's identity. Plaintiff also alleges that Defendant violated 15 U.S.C. § 1692e(11) by failing to notify Plaintiff during each communication that the communication was from a debt collector. Plaintiff further alleges that Defendant violated 47 U.S.C. § 227(b)(1)(A)(iii) by willfully and knowingly utilizing an automatic telephone dialing system or an artificial or prerecorded voice to place telephone calls to Plaintiff's cellular telephone number. Plaintiff intends to file an amended complaint in order to more clearly delineate the causes of action.

2. The date the Rule 26(f) conference was held, the names of those persons who were in attendance and the parties they represented.

Plaintiff was unable to schedule the required Rule 26(f) conference with Defendant. Counsel for Defendant, Mr. Steven Dunn, advised he was withdrawing from representation, however no withdrawal or substitution of counsel has been filed or served. Despite Plaintiff's counsel's follow up efforts to discern new counsel and conduct the conference, Mr. Dunn did not respond. Thus, Plaintiff submits this report without having been able to confer with defense counsel.

3. A list of any cases that are related to this case and that are pending in any state or federal court with the case numbers and court along with an explanation of the status of those cases.

None.

4. Agreed discovery/case management plan.

See Proposed Scheduling Order attached.

5. Suggested date for the Final Pretrial Conference.

September 8, 2015.

6. Expected length of trial.

Plaintiff anticipates 2-3 days.

7. Trial before a magistrate judge.

The parties were unable to confer regarding the assignment of a Magistrate Judge, for the reasons described earlier.

8. Whether a jury demand has been made.

Plaintiff has made a jury demand.

9. Whether any party requests a scheduling conference with the Court.

Plaintiff does not request a scheduling conference at this time.

Dated: June 10, 2014

Respectfully submitted,

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